

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2:18-mn-2873-RMG

**Case Management Order No. 5A**

**This Order relates to  
ALL CASES**

**PROCEDURE FOR REQUESTING EXTENSIONS OF TIME TO SERVE FACT  
SHEETS AND IDENTIFICATION BY PLAINTIFFS' COUNSEL OF ADDITIONAL  
AFFF-CONTAMINATION SOURCE SITES**

1. This Order provides clarifying information for the manner in which a Defendant or a Plaintiff may request an extension of time to serve a Fact Sheet, and the procedure by which the Plaintiffs' Executive Committee ("PEC") shall identify additional site(s) alleged to be at issue in this MDL in newly-filed complaints.

2. For the sake of efficiency, Defendants may request the initial extension of time to serve a Defense Fact Sheet ("DFS") set forth in Paragraph 31 of Case Management Order ("CMO") No. 5 by emailing the following email address: [AFFF-MDL-DFS-extension@douglasandlondon.com](mailto:AFFF-MDL-DFS-extension@douglasandlondon.com). The PEC or its designee will respond to such requests within forty-eight (48) hours, and consistent with Case Management Order ("CMO") No. 5, such requests will not be unreasonably withheld. Similarly, Plaintiffs may request the initial extension of time to serve a PFS set forth in Paragraph 14 of CMO No. 5 by emailing the following email address: [AFFFMDL.PFSEXT@nelsonmullins.com](mailto:AFFFMDL.PFSEXT@nelsonmullins.com), with a courtesy copy to the PEC's designee at AFFF-MDL.PFS.extension@DouglasAndLondon.com. The Defense Coordination Committee ("DCC") or its designee will respond to such requests within forty-eight (48) hours, and consistent with

CMO No. 5, such requests will not be unreasonably withheld.

3. Within 28 days of a new complaint being directly filed and docketed in MDL 2873, or within 28 days of a new complaint being transferred to and docketed in MDL 2873 by the Judicial Panel on Multidistrict Litigation, counsel of record for the newly-filed complaint(s) must alert the Plaintiffs' Executive Committee ("PEC") of the AFFF-contaminated site(s) alleged to be at issue in the newly-filed complaint(s) by emailing the PEC at the following email address: AFFF-MDL-sites@douglasandlondon.com.

4. On the first weekday of each month, based upon information reported in accordance with paragraph 3 above, and imposing no further obligations in this regard on the PEC, the PEC will notify the DCC of the newly-identified site(s) from any new complaints filed directly into, or transferred to, the MDL by emailing the DCC at the following email address: [AFFF-MDL-sites@nelsonmullins.com](mailto:AFFF-MDL-sites@nelsonmullins.com). Notifications may be bundled into one submission, such that failure to notify the DCC in the first month will not be deemed a waiver of providing a new site. Defendants' responsive obligations for their DFS are governed by CMO No. 5, including paragraph 30. To the extent that the responding defendant determines that DFS information for a newly-identified site(s) is contained within a previously produced DFS, the responding defendant will identify which previously served DFS(s) such information is contained within by emailing that information within 28 days of receipt of the updated site list to the following email address: [AFFF-MDL-sites@douglasandlondon.com](mailto:AFFF-MDL-sites@douglasandlondon.com).

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

April 30, 2020 Charleston,  
South Carolina